

Calendar No. 519

112TH CONGRESS }
2d Session } SENATE { REPORT
112-217

NORTH AMERICAN WETLANDS CONSERVATION EXTENSION ACT OF 2012

SEPTEMBER 19, 2012.—Ordered to be printed

Mrs. BOXER, from the Committee on Environment and Public Works, submitted the following

R E P O R T

[To accompany S. 2282]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 2282) to extend the authorization of appropriations to carry out approved wetlands conservation projects under the North American Wetlands Conservation Act through fiscal year 2017, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

GENERAL STATEMENT AND BACKGROUND

The North American Wetlands Conservation Extension Act of 2012 extends the authorization of appropriations for the North American Wetlands Conservation Act of 1989 (NAWCA) for five years until 2017. NAWCA provides matching grants to organizations and individuals who have developed partnerships to carry out wetlands conservation projects in the United States, Canada, and Mexico for the benefit of wetlands-associated migratory birds and other wildlife.

Since its inception the program has demonstrated remarkable success. From September 1990 through March 2011, some 4,500 partners in 2,067 projects have received more than \$1.1 billion in grants. They have contributed another \$2.32 billion in required matching funds to affect 26.5 million acres of habitat and \$1.21 billion in additional funds to affect 234,820 acres of habitat.

OBJECTIVES OF THE LEGISLATION

The North American Wetlands Conservation Extension Act of 2012 (S. 2282) extends the authorization of appropriations to carry out approved wetlands conservation projects under the North American Wetlands Conservation Act through fiscal year 2017.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that this Act may be cited as the “North American Wetlands Conservation Extension Act of 2012”.

Section 2. Authorization of appropriations

Section 2 extends the authorization of appropriations until 2017.

LEGISLATIVE HISTORY

S. 2282 was introduced by Senators Inhofe, Boxer, Vitter, Landrieu, Cochran, Johnson of South Dakota and Klobuchar on March 29, 2012. The bill was received, read twice, and referred to the Committee on Environment and Public Works. On July 25, 2012, the full Committee on Environment and Public Works met to consider the bill. The bill was ordered reported favorably without amendment by voice vote.

HEARINGS

On April 24th, 2012, the Water and Wildlife Subcommittee of the Senate Environment and Public Works Committee held a legislative hearing on multiple bills, including S. 2282.

ROLLCALL VOTES

The Committee on Environment and Public Works met to consider S. 2282 on July 25, 2012. The bill was ordered reported favorably by voice vote.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee finds that S. 2282 does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the committee noted that the Congressional Budget Office has found, “S. 2282 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.”

JULY 31, 2012.

Hon. BARBARA BOXER,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2282, the North American Wetlands Conservation Extension Act of 2012.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeff LaFave.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

S. 2282—North American Wetlands Conservation Extension Act of 2012

Summary: S. 2282 would authorize the appropriation of \$75 million a year through 2017 for programs carried out under the North American Wetlands Conservation Act (NAWCA). Under current law, the authority for such appropriations will expire at the end of fiscal year 2012. The U.S. Fish and Wildlife Service (USFWS) uses amounts appropriated under NAWCA primarily for grants to state, local, and tribal governments, nonprofit organizations, and other entities that carry out wetlands conservation projects.

Assuming appropriation of the authorized amounts, CBO estimates that implementing the legislation would cost \$263 million over the 2013–2017 period and \$112 million after 2017. Enacting S. 2282 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

S. 2282 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 2282 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment). For this estimate, CBO assumes that the bill will be enacted in 2012 and that the authorized amounts will be appropriated for each fiscal year. Estimated outlays are based on historical spending patterns for this program.

	By fiscal year, in millions of dollars—					
	2013	2014	2015	2016	2017	2013–2017
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level ^a	75	75	75	75	75	375
Estimated Outlays	19	38	56	75	75	263

^a The U.S. Fish and Wildlife Service received appropriations totaling \$36 million in fiscal year 2012 to carry out activities under the North American Wetlands Conservation Act.

Intergovernmental and private-sector impact: S. 2282 contains no intergovernmental or private-sector mandates as defined in UMRA. Implementing this legislation would benefit state, local, and tribal governments because, assuming such amounts are appropriated, they would receive a portion of the funds authorized.

Estimate prepared by: Federal costs: Jeff LaFave; Impact on state, local, and tribal governments: Melissa Merrill; Impact on the private sector: Paige Piper/Bach.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in [black brackets], new matter is printed in *italic*, existing law in which no change is proposed is shown in roman:

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NORTH AMERICAN WETLANDS CONSERVATION ACT

SECTION 1. [16 U.S.C. 4401 note] SHORT TITLE.

This Act may be cited as the "North American Wetlands Conservation Act".

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SEC. 7. [16 U.S.C. 4406] AMOUNTS AVAILABLE TO CARRY OUT THIS ACT.

(a) AID IN WILDLIFE RESTORATION.—(1) [Amends section 3 of the Act of September 2, 1937]

(2) [Amends section 4(a) of the Act of September 2, 1937]

(3) The amendments made by this subsection of this Act take effect October 1, 1989.

(b) MIGRATORY BIRD FINES, PENALTIES, FORFEITURES.—The sums received under section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707) as penalties or fines, or from forfeitures of property are authorized to be appropriated to the Department of the Interior for purposes of allocation under section 8 of this Act. This subsection shall not be construed to require the sale of instrumentalities.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts made available under subsections (a) and (b) of this section, there are authorized to be appropriated to the Department of the Interior for purposes of allocation under section 8 of this Act not to exceed—

(1) \$55,000,000 for fiscal year 2003;

(2) \$60,000,000 for fiscal year 2004;

(3) \$65,000,000 for fiscal year 2005;

(4) \$70,000,000 for fiscal year 2006; and

(5) \$75,000,000 for each of fiscal years 2008 through [2012] 2017.

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